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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,790	06/04/2001	Jody L. Terrill	10002274-1	5821

7590 11/18/2005

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EXAMINER	
JACOBS, LASHONDA T	
ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/874,790	TERRILL, JODY L.	
	Examiner	Art Unit	
	LaShonda T. Jacobs	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *August 24, 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's Amendment/Request for Reconsideration filed on August 24, 2005. Claims 1-27 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-27** are rejected under 35 U.S.C. 102(e) as being anticipated by Shiohara (U.S. Pat. No. 6,822,754).

As per claims **1, 26** and **27**, Shiohara discloses a method and computer program for adapting the polling rate for collecting job information from a device, the method comprising the steps of:

- querying a device for job information (col. 5, lines 50-66);
- determining a state of job progress from the job information (col. 5, lines 8-15; Shiohara discloses the number of print pages of unprocessed print jobs registered in the corresponding printer. Therefore, Shiohara discloses determining a state of job progress

from the job information (number of pages printed) according to Applicant's example of this limitation on page 3, lines 21-24 of specification);

- setting a delay time depending upon the state of job progress (col. 5, lines 60-67 and col. 6, lines 1-14; Shiohara discloses calculating a print wait time (set a delay) based on the unprocessed print pages and the speed of the print engine to predict/estimate the job completion time of the printer . Therefore, Shiohara implicitly disclose setting a delay time depending upon the state of the job progress); and
- querying the device for job information after the delay time has passed (col. 5, lines 50-66).

As per claim **2**, Shiohara discloses:

- wherein an application-layer protocol is employed to poll the device (col. 4, lines 8-20).

As per claim **3**, Shiohara discloses:

- wherein a network management protocol request is employed to poll the device (col. 4, lines 8-20).

As per claim **4**, Shiohara discloses:

- wherein a Simple Network Management Protocol (SNMP)-enabled application is employed to poll the device (col. 4, lines 8-20).

As per claim **5**, Shiohara discloses:

- wherein the device is a network-connected device (col. 3, lines 43-48).

As per claim **6**, Shiohara discloses:

- wherein the device is a printer (col. 3, lines 43-48).

As per claim **7**, Shiohara discloses:

- wherein the job information comprises print job information (col. 4, lines 1-20).

As per claim **8**, Shiohara discloses:

- wherein the delay time is set to be no less than an acceptable delay time (col. 12, lines 28-45; Shiohara discloses calculating a print wait time (set a delay) based on the unprocessed print pages and the speed of the print engine to predict/estimate the job completion time of the printer . Therefore, Shiohara implicitly disclose setting a delay time depending upon the state of the job progress).

As per claim **9**, Shiohara disclose:

- adjusting an expected job completion time depending upon the state of job progress (col. 5, lines 60-67 and col. 6, lines 1-14); and
- determining the delay time from the expected job completion time (col. 5, lines 60-67 and col. 6, lines 1-14; Shiohara discloses calculating a print wait time (set a delay) based on the unprocessed print pages and the speed of the print engine to predict/estimate the job completion time of the printer . Therefore, Shiohara implicitly disclose setting a delay time depending upon the state of the job progress).

As per claim **10**, Shiohara disclose:

- wherein the delay time is set to be less than the expected job completion time (col. 5, lines 60-67 and col. 6, lines 1-14).

As per claim **11**, Shiohara discloses:

- wherein the delay time is set to be approximately one half of the expected job completion time (col. 5, lines 60-67 and col. 6, lines 1-14).

As per claim **12**, Shiohara discloses:

- wherein the delay time is set to be within a range of values bounded by a minimum delay time and a maximum delay time (col. 5, lines 60-67 and col. 6, lines 1-14).

As per claim **13**, Shiohara discloses a method for adapting the polling rate for collecting job information from a device, the method comprising the steps of:

- querying a device for information (col. 5, lines 50-66);
- determining an expected job completion time from the information (col. 5, lines 60-67 and col. 6, lines 1-14); and
- setting a delay time depending upon the expected job completion time (col. 5, lines 60-67 and col. 6, lines 1-14).
- querying the device for job information after the delay time has passed (col. 5, lines 50-66).

As per claim **14**, Shiohara discloses:

- wherein the information comprises a rated speed of the device (col. 6, lines 1-14).

As per claim **15**, Shiohara discloses:

- wherein the rated speed is a rated engine speed (col. 6, lines 1-14).

As per claim **16**, Shiohara discloses:

- wherein the rated speed is a rated print speed (col. 6, lines 1-14).

As per claim **17**, Shiohara disclose:

- wherein the expected job completion time is a best case job completion time (col. 5, lines 60-67 and col. 6, lines 1-14).

As per claim **18**, Shiohara disclose a method for adapting the polling rate for collecting job information from a device, the method comprising the steps of:

(a) querying a device for device and/or job information according to a polling rate (col. 5, lines 50-66);

(c) repeating steps (a) and (b) until a job associated with the device and/or job information is completed (col. 5, lines 50-66); and

(b) adjusting the polling rate depending upon the device and/or job information (col. 5, lines 60-67 and col. 6, lines 1-14).

As per claim **19**, Shiohara disclose:

- wherein the polling rate is adjusted such that a delay time until a next query to the device is no less than an acceptable delay time (col. 5, lines 60-67 and col. 6, lines 1-14).

As per claim **20**, Shiohara disclose:

- wherein the polling rate is adjusted such that a delay time until a next query to the device is set to be within a range of values bounded by a minimum delay time and a maximum delay time (col. 5, lines 60-67 and col. 6, lines 1-14).

As per claim **21**, Carney discloses wherein the device information comprises:

- a function performance rating (col. 3, lines 29-43).

As per claim **22**, Shiohara discloses wherein the function performance rating is:

- a printing speed rating (col. 6, lines 1-14).

As per claim **24**, Shiohara discloses wherein the job information comprises:

- job progress information (col. 4, lines 4-7).

As per claim **24**, Shiohara discloses wherein the job progress information comprises:

- print job progress information (col. 5, lines 16-29).

As per claim **25**, Shiohara discloses wherein the job information comprises:

- print job information (col. 6, lines 52-57).

Response to Arguments

3. Applicant's arguments with respect to claims **1-27** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ltj
November 3, 2005

LaShonda T Jacobs
Examiner
Art Unit 2157

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100